

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:08CR-00067-BO-4

UNITED STATES OF AMERICA)	
)	
)	
v.)	<u>ORDER</u>
)	
)	
MAHMOUD ABALLA ASHUBI)	

The Court held a competency hearing for the Defendant on July 7, 2010 pursuant to 18 U.S.C. §4241(c). The Court reviewed the two mental evaluations of the defendant, which the court ordered pursuant to 18 U.S.C. §4241(b) and which were filed with the Court pursuant to the provisions of 18 U.S.C. §4247(b) and (c). Based on the report of Dr. Dawn Graney with the Federal Correctional Institution at Butner, North Carolina, the Court finds by a preponderance of the evidence that the Defendant is presently suffering from a mental disease rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him and to assist properly in his defense. While counsel for the Defendant asserted that the Defendant is competent and that some of the Defendant's symptoms could be cultural based on his religious and cultural background (the Defendant grew up in Yemen and later became a naturalized U.S. citizen), the Court accepts the contrary position of Dr. Graney that the defendant is mentally incompetent due to a mental disease or defect.

Pursuant to 18 U.S.C. §4241(d)(1), the Court commits the Defendant to the custody of the Attorney General and orders that the defendant be hospitalized for treatment in a suitable facility for a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the

proceedings to go forward.

This the 9 day of July, 2009.

A handwritten signature in black ink, appearing to read "Terrence W. Boyle", written over a horizontal line.

The Honorable Terrence W. Boyle
UNITED STATES DISTRICT COURT JUDGE